* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

**Writ Petition (C) No. 5382 of 2007**

**Date of Decision : 25-07-2007**

RAJENDRA SINGH ..... Petitioner
Through Mr. Sanjay Kumar Das, Advocate

versus

UOI & ORS. ..... Respondent
Through Mr. Suresh Kait, Advocate for R-1.
Ms. Raavi Birbal, Advocate for R- 2 & 3.

**CORAM:**
**HON'BLE MISS JUSTICE REKHA SHARMA**

1. Whether the reporters of local papers may be allowed to see the judgment ? Yes

2. To be referred to the reporter or not ? Yes

3. Whether the judgment should be reported in the `Digest?' Yes

**REKHA SHARMA, J. (ORAL)**

The petitioner is working as Deputy Director in National Federation of Fishermen's Cooperatives Limited (FISHCOPFED). He has been transferred to Raipur (Chhattisgarh) to head the Federation at Raipur (Chhattisgarh) Project. The order to this effect was passed on July 5, 2007 and though it has been signed by respondent No. 3, namely, B.K.Mishra (Managing Director), Incharge of FISHCOPFED, it is mentioned therein that the decision to transfer the petitioner was taken in a meeting of the Board of Directors held on May 25, 2007.

Feeling aggrieved by the aforesaid order, the petitioner has preferred the present writ petition. He alleges that the order of

transfer has been passed in mala fide exercise of the power and he holds respondent No. 3 – Shri B.K.Mishra responsible for the same. According to him, he was Presenting Officer in a disciplinary inquiry held against Shri B.K.Mishra in the year 2002 which resulted in his reversion from the post of Deputy Director to Assitant Director – first state. It is alleged that since then the said Shri B.K.Mishra is harbouring a grudge against him. It is also alleged that Shri B.K.Mishra even though was reduced in rank yet by manipulation, he managed to supersede the petitioner. He is now holding the post of Managing Director (Incharge) and in his such capacity has exercised influence on the Board of Directors and has got the transfer order issued against him. It is also the case of the petitioner that there is no post of Deputy Director in existence at Chhattisgarh and that the petitioner is being sent on a lower post.

Learned counsel for the respondent who is present on advance notice submits that the transfer of the petitioner has no relevance to the disciplinary proceedings which were conducted against respondent No. 3 – Shri B.K.Mishra as far back as five years. It is stated that the transfer has been done in exigencies of service and no influence whatsoever was exercised on the Board of Directors.

Having considered the rival submissions, I am of the view that the imputation by the petitioner that his transfer to Raipur (Chhatisgarh) has been done at the instance of respondent No. 3 – Shri B.K.Mishra has no basis. The fact that the petitioner was the Presenting Officer in the disciplinary proceedings conducted against respondent No. 3 can by itself is no ground to allege that respondent

No. 3 harboured a grudge against him. The petitioner was merely discharging his official duties. It will be too far-fetched to presume any co-relation between the two events.

As regards the submission that there is no post of Deputy Director, learned counsel for the respondent states that the petitioner is being sent as Head of the new project and the post which he will occupy is equivalent to the post of Deputy Director.

For the foregoing reasons, the transfer order is held to be valid. The writ petition is dismissed.

At this stage, it is submitted by the counsel for the petitioner that he has not been paid the TTA (Transfer Travelling Allowance). Counsel for the respondent states that it will be released to the petitioner within 2-3 days in accordance with the provisions of TTA.

**CM Nos. 9978/2007, 9979/2007 & 9980/2007**

In view of the order passed in the writ petition, the applications have become infructuous and the same are dismissed as such.

**REKHA SHARMA,J**

**JULY 25, 2007**
**sl**